

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

DENNIS ANTHONY HALL,

Petitioner, Civil No. 2:10-CV-11252  
v. HONORABLE DENISE PAGE HOOD  
CHIEF UNITED STATES DISTRICT JUDGE

STEVEN RIVARD,

Respondent,

/

**OPINION AND ORDER DENYING AS MOOT PETITIONER'S  
APPLICATION TO PROCEED WITHOUT PREPAYMENT OF FEES OR  
COSTS ON APPEAL**

On March 31, 2016, this Court denied the petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254, declined to issue a certificate of appealability, but granted petitioner leave to appeal *in forma pauperis*. *Hall v. Rivard*, No. 2:10-CV-11252, 2016 WL 1258990 (E.D. Mich. Mar. 31, 2016).

On April 25, 2016, petitioner filed a notice of appeal. [Dkt. # 31].<sup>1</sup>

Petitioner has now filed an application to proceed without prepayment of fees or costs on appeal, asking to be permitted to proceed

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<sup>1</sup> Under the "prison mailbox rule," petitioner's notice of appeal was filed on April 25, 2016, the date that it was signed and dated by petitioner. *Houston v. Lack*, 487 U.S. 266, 270-71 (1988).

*in forma pauperis* on appeal.

This Court already granted petitioner leave to appeal *in forma pauperis*. It is unnecessary for petitioner to again obtain permission to proceed *in forma pauperis* on appeal. Petitioner's current motion to proceed *in forma pauperis* on appeal [Dkt. # 37] will therefore be denied as moot. See *McMillan v. McKune*, 16 Fed.Appx. 896, 897 (10<sup>th</sup> Cir. 2001).

**S/Denise Page Hood**

**Denise Page Hood**

**Chief Judge, United States District Court**

**Dated: July 11, 2016**

**I hereby certify that a copy of the foregoing document was served upon counsel of record on July 11, 2016, by electronic and/or ordinary mail.**

**S/LaShawn R. Saulsberry**

**Case Manager**